

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil No. 08-SC-6471 DWF/JJK

United States of America,
ex rel. David V. McIntosh,
Plaintiffs,
v.
M.K. Battery, Inc.,
East Penn Manufacturing Co., Inc., N.P.C.
Robotics, Inc., and BAE Systems, Inc.,
Defendants.

FILED UNDER SEAL

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MINNEAPOLIS, MINNESOTA



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STIPULATION TO DISMISS

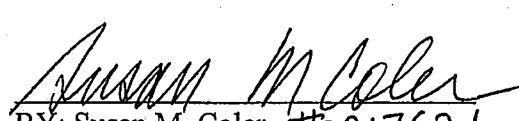
Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure and the *qui tam* provisions of the False Claims Act, 31 U.S.C. § 3730(b)(1), and in accordance with the terms and conditions of the settlement agreement in this matter among the United States, M.K. Battery, Inc., East Penn Manufacturing Co., Inc., N.P.C. Robotics, Inc., BAE Systems, Inc., and the Relator (“Settlement Agreement”), the United States and Plaintiff-Relator David V. McIntosh, through their undersigned counsel, hereby stipulate to the entry of an order dismissing the claims in the Amended Complaint, other than Relator’s retaliation claims against MK Battery, Inc. under 31 U.S.C. § 3730(h), the Minn. Stat. § 181.932 claim under the Minnesota Whistleblower Act, and Relator’s claims under 31 U.S.C. § 3730(d) for reasonable expenses, attorney’s fees and costs. Dismissal shall be with prejudice to the United States to the extent of the Covered Conduct in the Settlement Agreement and otherwise without prejudice. Dismissal of Relator’s claims shall be

with prejudice, except as to Relator's retaliation claims against MK Battery, Inc. under 31 U.S.C. § 3730(h), the Minn. Stat. § 181.932 claim under the Minnesota Whistleblower Act, and Relator's claims under 31 U.S.C. § 3730(d) for reasonable expenses, attorney's fees and costs, which are expressly reserved.

Relator, on behalf of himself, his heirs, successors, attorneys, agents, and assigns, stipulates that the Settlement Amount set forth in the Settlement Agreement and the terms and conditions described therein are fair, adequate, and reasonable under all the circumstances, that he will not challenge the settlement pursuant to 31 U.S.C. § 3730(c)(2)(B), and that he expressly waives the opportunity for a hearing on any objection to the settlement pursuant to 31 U.S.C. § 3730(c)(2)(B).

The parties respectfully request that the Court enter an order in the form of the attached, proposed order.

DATED: 9/9/2014



BY: Susan M. Coler # 217621
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Counsel for Relator

DATED: 9/9/14


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